

Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to the program)

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Program Operations Engineer, Indianapolis, Indiana.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. RST-97-5]

Petition for Exemption or Waiver of Compliance With the Requirements of Section 213.233(c) of the Federal Track Safety Standards; New Jersey Transit Rail Operations, Inc.

In accordance with 49 CFR 211.41, notice is hereby given that the New Jersey Transit Rail Operations, Incorporated, (NJT) has submitted a petition, dated December 3, 1997, for a waiver of compliance with certain requirements of Title 49, Code of Federal Regulations, Part 213: Track Safety Standards.

The purpose of the petition is to request of the Federal Railroad Administration (FRA) relief from compliance with the provisions of 49 CFR 213.233(c) of the Federal Track Safety Standards. The petitioner requests approval to eliminate one of two weekly visual track inspections required by this section for track carrying passenger traffic. Petitioner proposes, in the interest of equivalent safety, to substitute for the eliminated visual inspection the operation of a

track geometry measuring vehicle over the affected main track and sidings on a quarterly basis. Such equipment does not operate over the tracks of the petitioner today.

Interested parties are invited to participate in these proceedings by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Number RST-97-5 and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Communications received within 30 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) in Room 7051, 1120 Vermont Avenue, NW., Washington, DC 20005.

Issued in Washington, DC on March 24, 1998.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Actions on Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of actions on exemption applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in JULY-DECEMBER 1997. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on March 18, 1998.

Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

| Application No. | Exemption No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|--------------------------------|---------------|--|--|--|
| Modification Exemptions | | | | |
| 5749-M | DOT-E 5749 | E.I. du Pont de Nemours & Company, Inc., Wilmington, DE. | 49 CFR 173.315(a) | Authorizes the use of an insulated nickel steel DOT Specification MC-331 cargo for transportation of a certain flammable gas. (Mode 1.) |
| 6922-M | DOT-E 6922 | Solvay Fluorides, Greenwich, CT. | 49 CFR 173.314(c), 179.300-15. | Authorizes the use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, 3.) |
| 7657-M | DOT-E 7657 | Welker Engineering Co., Sugar Land, TX. | 49 CFR 173.119, 173.302(a) (1), 173.304(a) (1), 173.304(b) (1), 175.3, 178.42. | Authorizes the manufacture, marking and sale of non-DOT specification cylinders, for transportation of certain compressed gases. (Modes 1, 2, 3, 4.) |
| 7765-M | DOT-E 7765 | Carleton Technologies, Inc., Orchard Park, NY. | 49 CFR 173.302(a) (4), 175.3. | Authorizes the use of nonrefillable, non-DOT specification cylinders, for transportation of a Division 2.2 material. (Modes 1, 2, 3, 4.) |
| 8723-M | DOT-E 8723 | Dyno Nobel Inc., Salt Lake City, UT. | 49 CFR 172.101, 173.114a(h) (3), 173.154, 176.415, 176.83. | Authorizes the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Modes 1, 2.) |